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A N
EXAMINATION
A N D
RESOLUTION
O F T H E

Two Questions following, *viz.*

First, Whether Unfreemen can Vote in our
Wardmote ELECTIONS.

Secondly, Whether Freemen paying to one or
more Scots, and not to all, shall be quali-
fied to Vote in those ELECTIONS.

Humbly Address'd to

Sir *WILLIAM THOMPSON*, Knight,
RECORDER of the CITY of *LONDON*,

A N D T O

JOHN LINGARD, Esq; Common Serjeant of the same.

By a C I T I Z E N.

Antiquam exquirite matrem. - - - - Virg.

L O N D O N :

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Warwick-Lane, 1724.





GENTLEMEN,

Londinensis some time ago treated of the Question relating to the negative Voice claimed by my Lord Mayor and Aldermen over the Common Council, and with some Success, as it seemeth: That Author, towards the Close of his Treatise, told us of the Purpose he then had of giving us his Thoughts at the same time upon the Elections of Common-Council-Men, Aldermen and Sheriffs of this City, in the like Manner as he there did of the Negative Voice of the Lord Mayor and Aldermen, but that he was hindred therefrom by the Reason there given; since that, we have heard nothing from him upon that Subject: I have therefore adventured to undertake to speak of these Elections my self, with the same Intention and Design with which *Londinensis* spoke of the Question above-mention'd, in order, as much as in me lies, to clear and satisfy the Controversies about these Elections, which at present disturb the Quiet of the City; and I crave Leave to do so, worthy Gentlemen, under Your Names, Patronage, and Protection, because that will procure for me a fair Hearing from my Fellow-Citizens, and add some Weight and Authority to what I shall say; for, before whom can I more properly speak of the Controversies of the City, than before you two Great Officers of the City? And before whom must I speak of them with greater Caution and Impartiality than before the same Persons, who are equally attach'd to every Branch of the Constitution of the City? And whose Protection, for the same Reasons too, I must neither desire or expect in this Undertaking, but as I shall fairly and honestly endeavour to deserve it.

The Election of Common-Council-Men, you know, is made in the Wardmote; the Wardmote is no other than a Court-Leet, held before the Alderman of the Ward, or his Deputy, at Times and Seasons accustomable.

Every Inhabitant within the Ward (except Peers of the Realm, Ecclesiastics, Women, and Children under the Age of Twelve) ought to appear and answer there.

When he appears, he is bound to serve as Constable, Questman, Scavenger, or in other Quality as the Business of the Court requires.

The Jury ought to present or indict Offenders.

Offenders who break the Peace, or levy or suffer any common Nuisance, and all other Offenders, accustomably presentable in a Court-Leet, I mean, in a City Court-Leet. For there is the very same Diversity observable betwixt a City Court-Leet and a Country Court-Leet, as betwixt a City Shower and a Country Shower, in the *Tatler* or *Spectator*: However, I need not repeat them to you in particular; they are so well known amongst us, from the Articles of this Court, annually printed and distributed in this City; I will but just mention Fornicators and Adulterers, which this Jury (above all others) may present at this Day; and hence it comes, that Women within the City may have an Action at Common Law for being charged with Incontinency, because of the Temporal Punishment they are liable to here for that Transgression. In other Places such Offenders are left wholly to the Spiritual Court.

And the Reason of the Difference, as I apprehend, is in regard to the Youth, which are committed to the Citizens here, for their Education in honest Crafts and Trades, more than to others in any other Place beside.

But to proceed,

These Presentments are to be made by Indenture betwixt the Jury and the Steward; and the Offenders, thus presented, are to be punish'd as in other Leets, without any Traverse or Plea to be put in to the contrary.

Offenders against Statute Law, as those Statutes direct.

Offenders at Common Law,

Particularly Brewers and Bakers, who break the Assize of Bread and Beer; with Pillory or Tumbrel.

Scolds, with cucking Stool.

Bawds (or lewd Women) are to be carted.

Generally,

Generally, all other Offenders are to be amerced by the Jury, which Amerciament may be levied by Distress, by Warrant from the Alderman, or by Action of Debt.

I am very well aware, that now-a-days the Mayor, in his Precept which he sends to the Alderman, to hold his Wardmote, directs, That the Inquest should return the Names of the Offenders, with their Additions and Places of Abode, that they may be prosecuted by due Course of Law: And that the Practice now is, when the Presentments are return'd to the Lord Mayor, in the Court of Aldermen, to bind some of the Jury over to appear, and prosecute the Offenders at the Sessions of the Peace; tho' this is but an Innovation, and can never be the antient Course or Institution, *First*, because these Court-Leets were far more antient than the Sessions of the Peace any-where, and more especially than those of this City; and therefore, what was found amiss by these Enquires, could never be referr'd to be redress'd, in a Court not then in being: *Secondly*, These Enquiries would be wholly useless and ridiculous, if the Jury, after they had presented the Offenders upon their Oaths, could not punish them themselves, but must, after all, turn Prosecutors against them elsewhere, in another Court; and there begin *de novo*: So much they might have done, surely, without such previous Enquiry or Trouble.

Besides, we are taught by *Liber Albus* (compiled in the time of *H. V.*) in the Chapter intituled *Wardmotum*, or *Modus tenendi Wardmotum*, That one part of the Wardmote Indentures shall remain with the Ward, and the other with the Alderman, who shall deliver in the same to the Lord Mayor, in the Court of Aldermen; where, after an Extract made of what (if any) may appear proper for the Mayor and City to execute, it shall be delivered back again to the Alderman, to be by him put in Execution in all other Articles thereof; which plainly discovers what was the antient Course of this Court. And the reason why this antient Course came to be altered, was, as I presume, because Presentments in Court-Leets, as hath been said, are not traversable, but the Offenders must submit to their Punishments without more ado, unless they will remove them into the *King's-Bench* by *Certiorari*: But Presentments at Sessions are traversable, and the Party accused may be heard for his Defence; and therefore, the Jury in favour of the People, have, of later times, as they have been instructed, only made Enquiry of the Offenders, and have referred them to be proceeded against at the Sessions of the Peace, within their own City, where they may traverse their Indictments, if they think fit. Yet this does not alter the Original Nature of the Court, but it is what it was notwithstanding, at least, in Construction of Law.

In this Court it is, that Elections of Common-Council-Men are made, though those Elections, strictly speaking, are no part of the Business of this Court. But when the Freemen of the City gave up their Folkmotes, and Common-Halls, where they used to transact the Business of the Corporation in Person, and were content to sit at Home, and send their Representatives from the several Wards to act for them in Common-Council in certain Cases, then, I presume, the Election of these Representatives came to be performed here, and with good reason; for where, or when could such Elections be supposed to be performed with more Conveniency and Satisfaction, than at the Time or Place, when, and where, not only the Freemen, (who however, ever did, and still do make up the more considerable Number there) but the whole People of the Ward were assembled together. Nevertheless the Election did not thereby become an Article of the Court-Leet, strictly speaking, wherein all the Inhabitants were promiscuously concerned, free or not free, but remained a separate Act of the Freemen only, by them performed there, openly, and before all the People, for the greater Ease and Solemnity. And this will further appear, if you observe, That a Wardmote taken as a Court-Leet, is a Collection of all the Inhabitants of the Ward (except before excepted) met together before their Alderman, as their Steward, to punish, or prevent Breaches of the Peace, and common Nuisances, &c. But a Wardmote, considered for the purpose of an Election, is no other, than a Collection of the Freemen of the Ward met together before their Alderman, as such, to make an Election as Freemen. In the former Respect, the Business of the Wardmote concerns all the Inhabitants, as such, equally; but in the latter, it concerns only Freemen in that Capacity, and no other. Here, the Freemen do the Business of their Corporation before an Officer of the Corporation; There, the People do Justice to themselves before their Steward. Here, they perform their Suit and Service to the Crown as Subjects; There, they exercise a Privilege to them especially granted, as Members

bers of a Corporation: And this Diversity and Distinction remains in Construction of Law, notwithstanding the promiscuous Assembly of Freemen, and Unfreemen together; and notwithstanding in common speaking we call each Assembly indifferently by the Name of a Wardmote.

And for any thing I know, these Elections were first appointed in this Place from the Elections of Sheriffs, which anciently were, and the Elections of Coroners and Members of Parliament, which, to this day are made openly in the County-Courts, for the Reasons I just now mentioned. But these Elections of Sheriffs, &c. as often as there was occasion, were ever part of the Business of the County-Court from the Beginning; but our Elections were, in process of time, added to the Court-Leet, and therefore may with less Objection, be separated from it, or made without it, as the Election of Aldermen is made without it to this day, as I shall shew hereafter.

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And yet, after all this plain reasoning, as to me it seems, some Gentlemen are pleased to make a doubt, and gravely state it as a great difficulty in some others which follow hereafter in a late serious Performance, "Whether or no, the Unfreemen have not a right to vote in these Elections?" But without any reasonable Ground or Foundation that I can apprehend.

But it is said, that the Unfreemen of the Ward are contributory to, or pay Scot, and bear their Lot in the City, and are bound and obliged by the Laws of the City; and therefore they ought to be concern'd, or to have some Share in the Government of the City, either by themselves, or their Representatives.

First, You will hereafter find, that Aliens and Denizens were made contributory to the State of the City, and yet never therefore insisted to vote in our Elections.

Secondly, The Unfreemen do indeed pay their Scot, and bear their Lot within the City, of the Publick Taxes and Offices of the Kingdom or Constitution, as Parish Taxes and Offices, Court-Leet Taxes and Offices, &c. just as they would be oblig'd to do, if they liv'd within any Court-Leet, in any Parish, in any County of the Kingdom; and for so doing, they have their Share in ordering of those Taxes and Offices; but they do not pay either Scot, or bear their Lot of the Taxes or Offices of the Corporation or City, properly speaking, or at least ought not so to do, as you may better observe hereafter.

As to their being bound by the Laws of the City: if by the Laws of the City, they mean such Laws as the City makes by Virtue of the Franchises of Court-Leets, and other Franchises granted to them, it is good Reason they should be bound by them, as all other Inhabitants whatsoever are, indifferently and without Distinction: But if by the Laws of the City, they mean such By-Laws as the City makes, merely as a Corporation, without the Advantage of any other Franchise or Power, then they are no more bound by them, than all other Strangers whatsoever; and yet such are bound by them in certain Cases. The Acts of Common-Council are local Acts, and bind Strangers as well as Freemen, within the Liberty of the City, in certain Cases; and if from thence any Privilege of Voting is to be deriv'd, by the same Way of arguing which these Objectors set up, all the World ought to vote in these Elections, as well as the Unfreemen of the Ward; because whoever comes into the City must be bound by those Laws in certain Cases, as I said before. Besides, I cannot find, but by our Constitution all Principals ever send abroad Representatives from their own Body, and of the same Quality with themselves; as Citizens send to Parliament Citizens, Burgeses Burgeses, and Freeholders their Knights of the Shire, and Com-peers; for that Reason, an Unfreeman cannot send a Freeman to Common-Council, as I apprehend: You may as well say, that an Unfreeman may sit there himself; where none such can sit, or ever did sit, except you, Gentlemen, the Recorder and common Serjeant, and other Officers of the City; but you and they, you know, sit there as Officers, and by way of Assistance, as there may be Occasion, and not as Members, to debate and vote.

It is farther urged, that the Unfreemen have ever voted at such Elections. If that was so, yet from the very Reason of the Case, I think it is a manifest Imposition, and that they ought to be excluded notwithstanding; *mala Consuetudo est abolenda*.

But how does it appear, that the Unfreemen have always voted as is pretended? No where that I can find; on the contrary, I find in *Lib. Alb.* in the Chapter above cited, that the Beadle is directed to return to the Alderman, at the Court-Leet, two Lists of the Inhabitants of the Ward; one, of the

Freemen by themselves, the other, of the Unfreemen by themselves; to the End, (as the Act of Common-Council herein after mentioned very well explains it) that the Alderman might distinguish which of the Inhabitants are free, and which of them are unfree, that among those only he may proceed to the Election of Common-Council Men, and when all of them meet together, he may proceed to the general Business of the Court. And the same Book in another Place says, "That the Mayor, upon a Vacancy of an Aldermanship, shall go to the Ward, and there by the Beadle shall summon all the Freemen of the Ward (*liberos inhabitantes Wardam*) before him, where they shall chuse an Alderman", or to that Effect, as shall be shewn more particularly hereafter: And why the Common-Council Men ought not also to be elected by the Freemen, exclusive of the Unfreemen, as well as the Alderman, I can see no Reason; for, the Aldermen themselves were annually elected by their respective Wards in antient Days, as well as the Common-Council Men; and though they are since establish'd for Life, yet their first Election is not thereby alter'd, but the same remains as it was before.

I very readily believe, that the Unfreemen might, sometimes by Stealth, Inadvertency, Design, or through Ignorance, vote in these Elections, and that in Process of Time, they might do so more frequently than at first, prompted perhaps thereunto by one of the contending Parties or the other, as well as their own Inclinations, as all Mankind are but too apt to pursue their Ends against their Adversaries, without scrupling the Means; but this Practice of theirs no sooner became notorious, but Care was taken by Act of Common-Council to declare in whom (in particular) the Right of Election resided, and to enjoin such Measures to Persons concern'd in such Elections, as one would have thought wou'd effectually have prevented the like for the future: And this happen'd in the Year, 1692. in the Mayoralty of Sir *Thomas Stamp*, when it was declared by Act of Common-Council, "That it then was, and antiently had been the Right and Privilege of the Freemen of the said City only, being Householdors, paying Scot and bearing Lot, and of none other whatsoever, in their several and respective Wards, from Time to Time, as often as there had been, or should be Occasion to nominate Aldermen, and elect Common-Council Men for the same respective Wards. And, (the Act goes on and says) to the Intent and Purpose that due Care may be taken for the future, and all Persons for the Time to come may take Notice thereof, and proceed in such Elections accordingly, Be it Ordain'd", (conformably to the Directions before cited to you out of *Lib. Alb.* to this Purpose) "That at all and every Wardmote hereafter to be held, all and every the Beadle and Beadles of the respective Wards of this City, shall and do prepare, return, and deliver to the Aldermen of the several and respective Courts of Wardmote, or to such Person as shall be deputed or authorized to hold the same, one List, to the best of his or their Knowledge, of all and every the Freemen Householdors as aforesaid, dwelling or residing within the several Wards of which they are Beadles, and of no others, apart and by themselves; and also, one other List, to the best of his or their Knowledge, of all and every other Householdors within the said respective Wards only, apart and by themselves, to the Intent that such Freemen Householdors, within the respective Wards only; as often as there is or shall be Occasion, may nominate Aldermen, and elect their Common-Council Men; and they, together with the other Householdors of the said Wards, may chuse their Constables, Scavengers, Inquest and Beadles.

"And for the preventing all Errors and Mistakes touching the Premises for the future, and that this be duly put in Execution for the Time to come, Be it also enacted, that to all and every Precept and Precepts, hereafter to issue, and to be sent out for summoning any Wardmote or Wardmotes, this present Act be annexed and affixed; and that before any Nomination or Election (as aforesaid) be made at any of the aforesaid Court or Courts of Wardmote, the same shall be publickly and distinctly read, and declared to the Persons who then shall be and appear at such Court or Courts, and be duly put in Execution and observed".

Whether or no this so plain and express Declaration and Injunction made by Common-Council has been since constantly and uniformly complied with, I dare not take upon me to say: You, Gentlemen, can best tell that. As for my Part, I am inclin'd to believe that it has not, but that some Gentlemen notwithstanding either admitted or not admitted Unfreemen to vote in their Wardmotes, as formerly. However, some there were (with Thanks to them

be

be it spoken) who constantly adher'd to the Act of Common-Council, and rejected the Unfreemen; in which Number, Sir *John Parsons* in his Life-time was always one, whom I here remember particularly, not only for this his Instance of Respect to the City, but more especially for the publick and self-denying Spirit which he shew'd towards her in his Mayoralty, the Benefit and Advantage whereof she enjoys to this Day.

I very well know what is given out on behalf of those who since this Act have admitted the Unfreemen to vote in Elections (supposing that there were such who did admit them) *viz.* That an Act of Common-Council cannot take away the Votes of Unfreemen, and consequently such Act is utterly void and of no Effect for that Purpose; and I readily agree with them, that in case the Unfreemen have a good Right of voting, an Act of Common-Council cannot take it away from them: But this is begging the Question, and in all Questions, 'till they are fairly decided, give me Leave to say, one should reasonably expect that the Aldermen, above all others, should keep and maintain the Laws and Franchises of the City, *after their Wit and Power.*

There are other Questions lately moved, which are likely yet more to embarrass and confound our Elections, which, however, have not as yet, that I hear of, been applied to the Election of Common-Council Men, how soon soever they may be, but to the Election of Aldermen only; and therefore I shall defer speaking of them 'till I come to those Elections.

The Common-Council Men being elected and sworn before the Alderman, their Names are usually by him endors'd on the Back of the Wardmote Indentures, and therewith returned to the Lord Mayor, in the Court of Aldermen, the Head of the Common-Council, as well as of that Court; whence they are sent into the Town-clerk's Office, where Lists or Extracts are thereof made, and given to the proper Officer, who, by them, summoneth the Members to the Common-Council, as often as he receives his Orders.

I find indeed some Returns of Common-Council Men made in the Body of the Indentures, together with the Officers properly belonging to the Leet: But that Mistake has arose from the late Form of my Lord Mayor's Precept for holding the Wardmote, where he recommends the Choice of Common-Council Men amongst other Articles of the Leet; but from the Beginning it was not so, as may be proved by the Articles of that Court enumerated in *Lib. Alb. Fol.* where the Choice of Common-Council Men is not to be found.

In fine, for a Proof of what I have laid down about the Wardmote, and because, as I believe, it may appear new, at least to some, I will subjoin hereto the entire Article out of *Lib. Alb. de modo tenendi Wardmotum*, translated from the Original in *Latin.* See Appendix.

As to the Election of Aldermen, the same Book before cited says, *In eligendis Aldermannis consuevit Major ad Wardam accedere, quæ vacavit, & in loco, ubi solet Wardmotum illius Wardæ teneri coram se, si voluerit, convocari facere per Bedellum omnes liberos Inhabitantes Wardam prædict. & ibid. incontinenti, si voluerint & potuerint, vel per diem præfixum eligi debet Aldermanhus per majorem & sanio rem partem illorum, &c.* In chusing Aldermen, the Mayor uses to go to the Ward which is vacant, and to cause all the Freemen inhabiting the said Ward to be summon'd before him by the Beadle, in the Place where the Wardmote of that Ward is usually held, if he thinks fit, and there ought the Alderman to be chosen by the greater and better Part of them, either immediately, if they (then) will and can, or on a Day prefixt, &c.

Whence you may observe, that the Lord Mayor upon this Occasion does not summon the People of the Ward to a Court-Leet, but barely the Freemen, to meet to make their Election, and that there is no Pretence whatsoever to call this a Court-Leet, nor to make the Election of an Alderman the necessary Part of a Court-Leet: Nor indeed have we any more Reason to call the Election of Common-Council Men Part of the Business of a Court-Leet, except only that it is usually made for the Reasons I before mentioned, when and where the Court-Leet is holden; and yet I dare be confident, that the making of this Election in the Court-Leet, where all the Inhabitants are obliged to be present, as well Unfreemen as Freemen, has created all the Difficulties which have so much puzzled and confounded our Understandings thereabouts, which, however, I have here endeavoured to unravel and account for, as well as I am able.

The Election being made, my Lord Mayor makes his Report of the Party elected to the Court of Aldermen, where he is sworn, and takes his Place amongst his Brethren.

But before I leave this Head, I must first speak to the Questions I just now hinted at, to have been lately moved in the Election of an Alderman, I mean the Questions moved in the Election for an Alderman in the Ward of *Bread-street*, in the Year, 1718.

I shall not presume to look into the State of that Election; it has once before been put into a Course of Examination, which is now clos'd or relinquish'd, and I shall not go about *Quieta movere*: All I shall do, shall be to take thence the Questions which I just now made mention of, and to speak to them in the best Manner I can, without so much as remembering the Resolutions made thereon by the Court of Aldermen, or the Application that might be thereof made to the then present Case.

The Questions are,

First, Whether paying of Scot is a general Contribution to all publick Taxes, and other Charges, in and upon the City of *London*, and the Inhabitants thereof.

Secondly, Whether paying to the Poor's Rate, or any one, or two, of such publick Taxes and Charges, and not to all, shall be deemed and adjudged paying of Scot?

Thirdly, And generally, what shall be deemed paying of Scot?

And here, before I proceed, I cannot but repine, that I had not the Opportunity of hearing the Debates of the Learned Gentlemen of the long Robe, who argued these Questions in the Court of Aldermen, whereby I might have formed and settled my Notions aright, touching the same; but I cannot so much as obtain any perfect Account of them, at least, not without more Enquiry than I think proper to make after them; for I dare say, neither of you Two, Gentlemen, would have endured to have been asked for any Account of what pass'd in the Court of Aldermen, especially in private Debate there; nevertheless I will proceed by myself as well as I can.

To begin with the last first, which, as I apprehend, ought more properly to precede than follow the other two.

First, What shall be deemed paying Scot in general?

Scot is no more nor no less than *Shot*, which is a Word still in use in many Places in the Kingdom, and signifies a single Part, Share, Quota, or Proportion of an Integral Summ, or Summ Total; to pay Scot therefore, literally speaking, is to pay our Part, Share or Proportion to the Integral Summ or Summ Total, and consequently Scot will be as various as are the Integral Summs themselves.

The Integral Summs which are for our Purpose are such as are assessable and leviable.

At Common Law,
By Charters, or
By Acts of Parliament.

At Common Law; such as the Rates for the Church, antiently and to this Day, assessable by the Church-Wardens and Parishioners of every Parish.

The small petty Rates and Sesses in Court-Leets.

Be they City Court-Leets,

In the City at large,

In the several Wards thereof, as Rates for Scavengers, Watch, for Lights, &c.

Be they Country Court-Leets.

As Rates for repairing Highways, Causeways, or Bridges, &c.

But in Truth, these are not Rates or Sesses (properly speaking) but Commutations by general Consent for personal Services, or for what every Inhabitant is otherwise obliged to do and perform; as the Rate for the Watch is to hire Watchmen in the Room of our selves, the Rate for Lights, to hire Lamps instead of Lanthorns, which we are obliged to hang out, &c. and therefore to be ranked with Lots rather than Scots.

By Charters; such as were the Summs assessed and levied by a Corporation, under their Charter, upon every Member thereof, for the Support and Maintenance of the State and Dignity of the same Corporation, usually called *Tallages* in antient Charters.

Such Tallages antiently were frequent, and ran very high, higher by far than the Law at this Day will allow them, which has sunk them down to Quarteridges, necessary Fees to Officers, and small Mulcts for Transgressions; and

and they were sometimes leviable, as far as Charters could make them so, upon Aliens and Denizens, as well as Members of the Corporation.

The first Charter of *Edward IV.* grants to this City, " That from thenceforth all and singular Merchants, as well Denizens as Aliens, abiding within the City, and the Liberties and Suburbs of the same, and exercising Merchandizing or Occupations there, by any Means, by themselves or others, tho' they be not of the Liberty of the City, shall be Partakers, shall be taxed and contribute, according to their Faculties, in Subsidies, Tallages, Grants, and other Contributions whatsoever, by any Means to be assessed for the Need of us or our Heirs, or of the City, for the Maintenance of the State and Profit of the same, with the Citizens of the same City, with a *salvo* to the Liberties of the Merchants of *Almain*.

The 21 *Hen. VIII.* c. 16. §. 15. directs, " That all Strangers, Artificers, and Denizens, dwelling in any City or Town within this Realm, shall bear, pay and sustain Scot, Taxes, Tallages, Subsidies, Prests, and all other reasonable Exactions from time to time, as the Masters, Wardens, and Companies of their respective Crafts for the time being, shall be bound to pay, bear and sustain, when any Subsidy, Tax, Tallage or Prest, or other reasonable Charges, shall by the Mayor and Aldermen of our City of *London*, and the Mayors and Aldermen of our said other Cities and Towns, or by the Common-Council of the said City, Cities, and Towns, of and for any Charges of Payments of Money, to be paid by the Companies of the said Crafts, Citizens of any City, for any Payment to be made to the King's Highness or his Heirs, or else to be paid for any Cause concerning the Common-wealth of any of our said Cities or Towns, or Common-wealth of the said Artificers, the said Strangers shall pay all the same that they shall be assessed or taxed to pay as Contributories with the said Companies, being our Subjects, as our said Subjects shall be assessed and taxed to pay: And if any of them shall deny or refuse the same, or any Part thereof, then he or they denying or refusing so to do, shall not only lose the Benefit of the Decree in that Act mentioned, but shall not any longer occupy any Handicraft, &c. or to that Effect.

But these Tallages or Taxes are now curtail'd, as I said before; nor in Truth, is there any such Need of them as formerly there was, since most Corporations have at last gained good Estates to support themselves withal, either by Purchases or Gifts.

The last of these Tallages that I find assessed in this City, was in the Year, 1681, in the Mayoralty of Sir *William Pritchard*, and consisted of four Fifteenths, at 500 *l.* each, for Repairs of the Conduits, publick Stairs or landing Places, and other publick Works of the City; but by that Time of Day the Reputation of Corporation Power for such Purposes was very much declined, and the City becoming more and more obnoxious about that Time, not much of it, I believe, was ever collected, and none hath been assessed ever since, that I hear of; and to speak freely, I doubt it would be too Parliament-like for us to attempt to make Assessments of this Kind.

This Tax, I must own, was assessed upon the Inhabitants promiscuously, free and unfree; and I believe, the former Taxes of the-like Kind may be found to have been so assessed too: But this must have been done, as I conceive, under Pretence of the Jurisdiction of the Court-Leet, or other Powers claimed by the City from ancient Grants, Usage or Custom; for I cannot comprehend how a Corporation, as such, can bind or oblige any but their own Members, except in small-minute Instances, nothing comparable to the Instance before us; as to cause all Strangers to bring their Cloth to *Blackwell Hall*, as to a publick Mart, to be sold under a small Penalty, &c. And I do not know, but this might be one Reason why in these latter Times the Corporations or Companies chuse to surcease such Assessments, and to confine themselves wholly to small Quarteridges or Fees, &c. which, you know, confessedly fall upon Members and none else, except some small Pains in certain By-Laws, in certain Cases, as hath been said before.

By Statutes,

For Publick Service,

Land Tax, Window Tax, and Tax for Trophy Money, &c. for the other Part thereof which concerns fitting out of Soldiers must be ranked amongst the Lots, for the Reasons I just now mentioned, and not amongst Taxes or Scots strictly so called.

For more private Use.

In this City especially, the Orphans Tax, Rates for Scavengers, Repairs of Sewers, &c. For these are now with us become Parliamentary.

In every Parish, Rates for the Poor, 43. *Eliz. c. 2.*

And of these Taxes, Tallages, or Rates you observe,

Some are assessed amongst the Persons themselves, from whom they are to be collected, as Rates for the Church and Poor, Sesses in Court-Leets, &c.

Others again by special Commissioners, under divers Acts of Parliament, with or without the Help of other Assessors.

With Assessors, Inhabitants of the Place where they are to be collected, as the Land-Tax throughout the Kingdom, by the Inhabitants of the Town or Parish whence it is collected. Orphans Tax, and Rates for Scavengers and Sewers, with us, with the Help of the Deputy and Common-Council Men.

Without other Assessors, as the Trophy Money, by Lieutenants or Deputy Lieutenants, without more; Corporation Tallages, by such as they do empower for that Purpose.

Again, these Taxes, Rates or Sesses,

Some of them are originally assessed upon Countries or Cities respectively, and thence subdivided and charged upon lesser Districts.

In Countries, they are subassessed upon Townships, Parishes or Hamlets.

In Cities, upon Wards and Precincts, as with us.

Some, by way of Companies or Fraternities, and not by way of District, as hath been the way with us, sometimes in certain Cases.

Some are originally charged upon Wards, and thence upon the several Inhabitants.

Some are originally Parochial, as Sesses for the Church or Poor, and

Some are transitory, as I may call them, as Corporation Tallages, which follow Freemen only.

Some of them belong to the Tenants or Occupiers, as Rates to Church or Poor, &c.

And others to the Landlords only, though paid by the Tenant, as the Land-Tax, and Tax for the Militia, &c. at least some Part thereof respectively.

The Use of all this you will see immediately; at present I shall only add, that such as are the various Taxes, Tallages, Rates and Sesses, such are the various Scots; for all Taxes are made up by several Scots or Proportions thereof, paid by such as are scotable thereto.

I come to the other two Questions; which I shall consider together; for, as to me they seem, they are one and the same, the latter being only an Explanation, or an Exemplification of the former, *viz.*

Whether paying of Scot is a general Contribution to all publick Taxes and other Charges in and upon the City of *London*, and the Inhabitants thereof; as for Instance, (for so I crave Leave to join the Questions) whether paying to the Poor's Rate, or any one or two of such Publick Taxes and Charges, and not to all, shall be deemed and adjudged paying Scot, (and I crave Leave to add farther) so as to entitle the Person so paying to a Vote in the Election of an Alderman, &c. in this City, where the Charter is supposed to appoint, that every Voter in such Case must be a Householder, paying Scot, &c. for that is the sole Drift of the Question.

In these Questions it is presumed and taken for granted, that the Act of Common-Council has justly declared, "That it is the Right of the Freemen of the City only, being Householders, paying Scot and bearing Lot, and of no other whatsoever, in their several Wards, to nominate and elect their Aldermen and Common-Council Men". And I find that by the general Opinion Scot and Lot is applied to Scot and Lot within the City generally, and not confined to Scot and Lot, (*widelicet*) the Tallages or Offices of or in the City or Corporation, strictly speaking, as some Authorities seem to countenance, and perhaps not without some Shew of Reason; for who would suspect that paying Scot and bearing Lot in a Parish or Court-Leet, within a City or Corporation, should be required to qualify a Freeman of a Corporation to vote in the Elections of Corporation Officers, any more than the paying Scot and bearing Lot in the *Mercers* Company (that is, paying to the Tallages, and bearing the Offices of that Corporation) should be required to qualify a Member of the *Skinners* Company to vote in the Election of Officers in that Company, (there being as great Difference berwixt Parishes and Court-Leets and Corporations, as betwixt Company and Company?) But I can easily

ly conceive why paying Scot and bearing Lot in a Corporation or Company should be required to qualify a Member of that Corporation or Company to vote in the Elections of that Company or Corporation; but this by-the-bye. I shall go on with the general Opinion, as being the best and safest Way.

This said, I hold that paying to any one of these Publick Taxes or Sesses, especially such an one as is assessed by the Inhabitants on their Neighbours, (be it a publick Tax, or Royal Aid Ward-Tax, or Parish-Tax) does qualify a Freeman to vote so far as that Article requires; but we must remember that a complete Voter must also be bearing Lot as well as paying Scot, and then we have the Question entire before us.

You observe that the Act says, *paying Scot*, not *Scots*; *bearing Lot*, not *bearing Lots*, in the Plural Number.

To bear Lot, is by all understood without Controversy to signify, to bear the Offices of the Place, as they shall fall to one's Lot or Turn; and yet no-body, that I hear of, contends that before a Freeman shall be capable to vote, he must have born all the Offices of the Parish, Ward, and City: And if so, why should you require him to pay all Scots, any more than to bear all Lots, before you will deem him capable to vote; since both Qualifications are equally required, and by one and the same Phrase, or Manner of Expression, (*videlicet*) That he shall be a Householder paying Scot and bearing Lot, not one who hath paid all or every Scot, or born all or every Lot?

In short, whatever Householder has been scotted, and hath paid his Scot, or hath been called to his Lot, and hath born it or is bearing of it, he is, *ipso facto*, entered or enlisted amongst the able and sufficient Housekeepers, and that by their own free Judgment or Choice; he is by them pronounced to be *Homo idoneus, probus, & legalis Homo*, i.e. *A fit and able Person*; and thenceforward he may properly be called a Contributor, or an Auxiliar to the State of the City; he has entered upon Duty or Service, and is paying his Scot and bearing Lot; he is in *Scotto & Lotto* (as the old Books describe him) and therefore shall be entitled to the Privilege consequent thereupon; for why shall it not thenceforth be supposed, that he shall be scotted to and pay one Scot as well as another, and bear one Office as well as another? But if when he is scotted or called to his Lot, he excuses himself therefrom, or if after he hath been scotted to one Scot, or born one Lot, he is excused from Inability from any other Scot or Lot, then he can no longer be said to pay his Scot and bear his Lot, and consequently must not expect to enjoy his Privilege any longer; but in the mean time, and 'till this appears, surely I should think he ought not to be debarr'd therefrom: Farther also, if he be scotted to one Scot, and pays that, but happens afterwards not to be scotted to another, but without any Imputation of Inability, but through Neglect, Inadvertency, or Design of others, I think in that Case he ought not therefore to be excluded from his Privilege.

If you say that it will be difficult to discern, when he is omitted to be scotted from Inability, when by Neglect, &c. I know no better Rule to judge by in this Case, than in Thousands of Cases of the like Nature, (*videlicet*) by the Circumstances thereof; if the Person be of visible Ability, has made no Application either by himself or Friends to be excused, I think the Omission ought to be judged a Neglect, &c. So, on the other side, if he has made Application by himself or Friends to be excused, and is not of visible Ability, the Omission may be fairly construed to proceed from Inability: But if you will still go on to put more Objections with less distinguishable Circumstances, I answer them all at once, we must judge as well as we can upon the Circumstances of the Case.

What I have here laid down is, as I apprehend, well warranted by the Reasonings and Practice of those on the other Side of the Question.

If a Freeman has paid all Scots they admit him to vote, as I am inform'd, though he has born no Lot at-all; I presume for the Reasons just now mentioned, (*viz.*) If he has paid Scot, why should he not be supposed to be able to bear Lot when it comes to his Turn? and that's enough. And so say I, if he has born Lot, why shall he not be presumed to be able to pay Scot when he shall be scotted thereto? And if he has paid one Scot, why shall he not pay another? It must be confess'd, both of us have baulked the Words of the Text, which is *paying Scot*, and *bearing Lot*, *uno statu*; but if Construction helps in one Case, why not in the other, and the rather in our Case

Case than in theirs; for that we incline to assist the Freemen in the Use of their Privileges, they endeavour to cramp them in the Exercise thereof; we are in favour of common Right, they against it.

I know a great many curious Questions may be put under this Head, and perhaps with Difficulty enough; but the like and greater may be put upon their Hypothesis, and we hope our Hypothesis will appear as reasonable as theirs, and will be attended with fewer Difficulties than theirs, as will be seen hereafter.

What we have laid down is conformable also, as I apprehend, to the Sense of diverse Acts of Parliament.

First, The 21 H. 8. c. 16. §. 15. before cited, which puts Strangers or Denizens, Artificers, upon the Level with Natives, in point of Charge or Scots, says, That the said Strangers shall pay all the same (*scilicet*, Scots, Taxes, Tallages, &c. there spoke of before) *that they shall be assessed or taxed to pay*; but surely they shall not lose the Benefit of that Act for not paying what they were not assessed or taxed to pay, without any Defect or Default in them.

By H. Pl. Cr. p. 97. it is directed, that in Case of Felony there shall be Bail given, two at least, in Respect of their Number, and in Respect of their Ability, two Subsidy-Men, *scilicet*, such as paid to the last Subsidy (which was a royal Aid granted to the Crown by that Name, upon the personal Estate of the Subject) without further Payments.

By the 3 and 4, W. and M. c. 11. touching the Laws of Settlements, it is enacted, That if any Person shall come to inhabit in any Parish, and shall there execute any publick, annual Office, or shall be charged with, and pay his Share towards the publick Taxes or Levies of such Parish, he shall thereby without more be adjudged to have a legal Settlement: If he executes any one single annual Office, or pays his Scot to any one of the publick Taxes, tho' to no more; and tho' the Words in the Statute are, shall pay his Share to the publick Taxes or Levies, which is stronger by far than our Case, yet shall he be irretrievably settled in that Parish, *a fortiori*, shall an Inhabitant in the like Case be entituled to the Benefit of the Privilege we are speaking of, by bearing a single Lot, or paying a single Scot?

By 7 W. 3. c. 18. for laying Duties upon Houses, §. 29. it is directed, That such Houses, where the Occupiers, by reason of Poverty, are exempted from the Taxes to Church and Poor, shall be excepted out of that Act, thereby making the Payment or Non-Payment to those two Taxes a sufficient Test of the Ability or Non-Ability of the Inhabitants without more.

What I would infer from all this, is, that the Law stating the Sufficiency, Ability or Qualification of the Subject, for certain Purposes in certain Cases, states it from the Payment of one single Scot, or the bearing of one single Lot, as I have before laid down in the Case before us.

Hereto I might add, that it has been the constant Usage of the City, for above these hundred Years, as I am informed, to admit all Freemen to vote in the Elections here before us, who had paid to the Church and Poor (which in Fact are but one and the same Scot in the City, and are assessed together) without more till very lately.

I must confess, that I do not find, that the City ever allowed a Freeman to vote upon bearing Lot only, without paying to the Church and Poor: But I believe that that Case seldom or never happened; neither is it likely to happen, because the Inhabitants in common Practice never bring a Stranger into Offices till he has lived some time amongst them, by which time they have determined of his Sufficiency or Insufficiency in their Taxes or Sesses: However you observe what the Act of Common Council declares, and what Construction I have endeavoured to put thereupon, which I submit to you; and I was willing to draw this Case forth into Light, lest it might be kept locked as a Fountain of fresh Difficulties and Questions, to be hereafter unlocked, as Occasion may require.

Having now done with my own Hypothesis, I proceed to examine theirs on the other side.

They maintain, that paying Scot is a general Contribution to all publick Taxes, and other Charges in and upon the City, and the Inhabitants thereof; and consequently, no Freeman can be admitted to vote within this Article or particular Qualification before he has paid his Scot or Contribution to all the publick Taxes and Charges, &c.

From what Authorities they maintain this, I know not; not *ex vi vocis*, or from the Words of the Text, for that is paying Scot only.

I am as much at a Loss to know how they reconcile this Tenet of theirs under this Article, to their Practice, under the other Article or Qualification, that of bearing Lot; when, as hath been said before, they admit a Freeman to vote before he has born any Lot at all; however, long before he has born all Lots.

I know it may be said, that all Freemen cannot bear all Lots, there will not be room for them; neither say I, can Freemen reasonably pay Scots they are not scotted to, and therefore they cannot escape this way.

I will produce all the Authorities which make for them that I can find, for I am endeavouring, as much as in me lies, to satisfy the Questions, not to confound or perplex them.

The antient Form of the Oath which a Freeman takes at his Admission, runs, "That you shall be contributory to all manner of Charges within this City, as Summonses, Watches, Contributions, Taxes, Tallages, Lot, Scot, and all other Charges, bearing your Part as a Freeman ought to do."

Per 7. Cbr. H. 1. Tested 8 July, Anno Reg. 12. It is (amongst other Things) directed, *Quod omnes & singuli in libertate Civitatis prædictæ existentes, & libertatibus & liberis Consuetudinibus ejusdem Civitatis gaudere volentes, sint in Lotto & Scotto, & participes omnium Onerum pro statu Civitatis ejusdem & pro libertate ejusdem manutenend. juxta Sacramentum quod fecerunt quando ad libertatem illam admissi fuerunt; & qui hoc noluerit, libertatem ejusdem Civitatis amittat; & quod omnes & singuli de libertate Civitatis illius existentes, & extra eandem Civitat. manentes, ac per se vel suos Merchandizas suas infra dictam Civitatem exercentes, sint in Lotto & Scotto cum Communiariis ejusdem Civitatis pro Merchandizis suis prædictis, vel aliter à libertate sua amoveantur.* "That all and every Person or Persons who are free of the said City, and who are minded to enjoy the Privileges and free Customs of the same City, shall be in Scot and Lot, and be Partakers of all Burthens for the Maintenance of the State of the same City and the Liberty of the same, according to the Oath which they gave when they were admitted into their Freedom; and those who shall refuse so to do, shall lose the Freedom of the City; and that all and every Person or Persons who are free of the City, and abide without the City, and by themselves or Servants exercise Merchandize within the City, shall be in Lot and Scot with the Commoners of the same City for their Merchandize aforesaid, or otherwise they shall lose their Freedom.

In *Lib. Alb. Papyr.* (in the Chamberlain's Office) *Anno Regni Edw. filii Edw. 15.* it is entered, that one *Nich. le Vieille Mercator de Amydas*, was admitted and sworn Freeman of the City in the Hustings of Pleas of Land, *die Lunæ prox. post Fest. Sancti Gregorii Papæ*, before the Mayor, Aldermen, & Communitate there; and the Entry in the Close thereof says, *Et hæc Libertas ei valeat dum infra Libertatem morari vult & ad Scottum & Lottum inter alios Con-Cives, aliter pro Extraneo reputetur & habeatur.* "Let his Freedom avail him so long as he abides within the Liberty of the City, and is in Scot and Lot with the rest of his Fellow-Citizens (for such must be the Sense, tho' the Words are only to be conjectured at in this Place) otherwise let him be deemed and held for a Foreigner.

In the same Book there is another Entry, setting forth, that in the Court of Hustings of Pleas of Land, held *die Lunæ prox. post Sancti Johannis ante Portam Latinam, Anno Regni Regis Edw. filii Edw. 16.* a Letter was read from his Majesty under the Privy Seal, directed to the Mayor and Aldermen, requiring them to admit one *Anthony Citron*, Merchant, into the Freedom of the City, and to excuse him from Tallages and Contributions for two Years to come; to which Letter, says the Entry, no Answer was returned. Some Time after, in the same Hustings, *scilicet die Lunæ prox. post Festum Sancti Augustini Anno prædicto*, comes the same *Anthony*, (says the Entry) and brought another Letter from his Majesty under the Privy Seal again, requiring them to admit the same *Anthony* into the Liberty of the City, according to the Tenor of his former Letter; whereupon *Anthony Citron* was admitted and sworn; and the Entry goes on and says, that the said *Anthony* renounced the Benefit of Part of his Majesty's Request, and agreed thenceforward to become contributory *ad omnia Onera Civitat. tangent.* to all Burthens touching the City.

I need not give a particular Answer to every one of these Authorities; they all tend to prove that the Freemen shall be in Scot and Lot, and be contributory to the Maintenance of the State of the City, upon Pain of having their Freedom taken from them. And very likely there may be found in

the Outer Court Informations of Disfranchisements of Freemen for refusing to pay their Scot and bear their Lot, if it was well searched. But it can by no Means, as I humbly conceive, be concluded from these Authorities, (and I neither have, nor hear of any better) that a Freeman before he votes, must pay all Scots, any more than he must bear all Lots: The utmost that these Authorities require (how far soever extended) is that a Freeman ought to pay the Scots which he shall from Time to Time be scotted to, and bear his Lots as they shall come to his Turn, for fear of Loss of his Freedom, or what is worse; within the Meaning of these Authorities, it is enough for him to do his Duty of all Kinds when it comes home to him; he is not required to go out to meet it, or to anticipate it before his Time; and in truth, these Authorities do rather clear and enforce what I have advanced, than contradict or weaken it.

But let us consider the Consequences of this new Doctrine of theirs.

Suppose then that a Freeman has paid all Taxes and Charges of the City, and continues of the same Ability as before, for any thing that appears to the contrary, but hath not paid to the Orphans Tax, because he was not assessed thereto, nor was the same demanded of him; shall he therefore not be admitted to vote? No, he shall not, for paying of Scot is a general Contribution to all Taxes and Charges, &c. without Exception. What, when he was not assessed or scotted thereto? No matter for that, he must bring himself within the Qualification at his Peril, and that you know is to contribute to all Taxes and Charges, &c. But there are many Taxes and Charges mentioned before, as Sesses for Church and Poor, the Subsidy Part of the Land Tax, Window Tax, Trophy Tax, Tax for repair of Sewers; and the Number is still increased by those who call the Commutations for Watching, and the Duty of Scavengers, Taxes; and so may they call the Payment to Lamps by the same reason; must every Freeman contribute to every one of these Taxes or Sesses before he shall be admitted to vote, whether he be called upon for them or no? Yes, this is his Qualification, and he must make it good before he can vote. Suppose the Sess be too small reasonably to admit of so many Divisions as there are Freemen, Housekeepers; or suppose the Assessors, through Kindness neglect, or for a worse Reason (be they the Deputy and Common-Council Men, or other Assessors, or the Lieutenancy themselves) should omit to assess a Freeman Housekeeper to any of their Assessments or Taxes, without any Application from him, or without his Privity; or suppose the Collectors should omit or defer to make a Demand for any of these Taxes; must the Freeman lose his Right to vote for that reason, though he was ready to have paid this as well as all the rest, if it had been demanded? If they will be true to their own Principles, he must lose his Vote and cannot be admitted, for he must make out his own Qualification at his Peril. At this rate the Freeman's Right of voting is most precarious, it lies purely at the Good-will and Pleasure of the Commissioners, Assessors and Collectors severally, and they may debar him of it whenever they or any of them please; and that will be as often as he shall be presumed to be resolved to vote against them: Surely this Doctrine is as strange as it is new.

For an Answer to these Questions, I have heard, that it has been said, that a Freeman to preserve his Vote, must go to the Commissioners and Assessors and demand to be scotted, and such Demand will avail him as much as if he had been scotted: But must not he also go to the Assessors and make tender of a competent Scot, before he has sufficiently secured his Vote? I presume he must; for he must not only be scotted to, but must pay all Scots, for to pay all Scots without being scotted to them, or to be scotted to them and not to pay them all, is equally deficient.

This is an Errand the Citizens, I dare say, were never sent on before: If this Doctrine did but once sufficiently prevail, it would save a great deal of Labour and Pains both to the Assessors and Collectors; for twice every Year at least, when the Assessments are settled and to be collected, we should have all the City in an Uproar, especially upon the Prospect of an Election, running to and fro as in the late Swearing time, to be satisfied whether or no, they were assessed or no, and to tender their Assessments; a very notable Hint indeed how to get in the Sesses, which may be improved upon hereafter to great Advantage. But to go on:

1. This voluntary Demand and Offer will do the Freemen no Service at all in this Case, as I apprehend; for, it is the Judgment the Neighbourhood passes upon his Sufficiency by scotting and lotting him, and his Acquiescence under that Judgment without farther Appeal, that must avail him in

in this Case, and not his voluntary Demand or Offer : So it is in the Case of a Settlement ; it is his being scotted or lotted in a Parish, and his paying that Scot and bearing that Lot, that creates an Inhabitant a Settlement, which is not be gained by a voluntary Demand or Offer on his Part.

2. How shall the Freeman know who are the Assessors or Collectors, or when they will set about to assess or collect ? For since it so much concerns him to watch them, and there are so many of them, and they all act separately, he had need have ready Means to come at the Knowledge of these Particulars. I know that a Freeman, who is or ought to be present at a Corporate Assembly by himself or his Representatives, is obliged to take notice at his Peril of what concerns him in that Assembly, and so perhaps is a Parishioner obliged to take Notice of Assessments to the Church made at a regular Vestry, whereat he is or ought to be present ; but here he has no Share any way in appointing Assessors or Collectors, or in fixing or settling their several Times or Seasons of acting, except in the Assessments last mentioned, and consequently cannot be obliged to take Notice of them or their Proceedings before they come home to him ; and to build a Freeman's Right of Voting upon such a Foundation, is to build it upon a very sandy one.

I will therefore conclude, that to pay to any one of these publick Taxes or Sesses, and not to more, under the Limitations I before laid down, does sufficiently entitle a Freeman to vote in these Elections ; and for that Conclusion, I think I have, in all candid Construction, the Practice of the Presidents themselves of these Elections on my side, who, as I am informed, generally if not always, 'till lately, admitted a Freeman to vote who had paid to the Church and Poor, without more ; and that you know, as I said before, is in Fact, and as it is generally levied within the City, but one and the same ; but it is assessed by the Generality of the Inhabitants, and not by a few Assessors, as the other Payments usually are ; and in that Respect is justly preferred for a Rule above others : And indeed I cannot but wonder how this so reasonable and current a Practice and Usage came to be so easily over-turned, without any Resolution or Authority at Law whatsoever.

But you may justly observe (and I doubt not but you have done so often by this time) what avail my Sentiments in these Questions ? Do I expect that the City will be governed by them ? Far be it from me to conceit any such thing ; if either of you two Ingenious Gentlemen would openly declare your Opinion in these Questions, no less than what is suggested might reasonably be expected to ensue thereupon, but not upon the Opinion of a private Person. However, I have stated these Questions candidly and fairly to the best of my Apprehension, and have given you my best Reasonings thereupon, I hope without giving Offence to any one. Whoever conceives differently of them, let him say so with all my Heart, let him be with me or against me, I shall look upon him to co-operate with me to the same good End ; by this means at least both Sides will see more clearly to provide against a fair Tryal at Law ; which, in my Opinion, will more effectually settle these Questions than any other Method whatsoever ; for, as the good and wise St. Germen says, B. 2. c. 38. fo. 138. *Upon a Case alike complicated as this is, if any Statute was made therein, (says he) I think verily more Doubts and Questions would arise upon that Statute, than doth now when they be only argued and judged after the Common Law.*

We come to the Election of Sheriffs.

This Election is made in a Common Hall every *Midsummer-Day* ; the Common Hall is summoned by my Lord Mayor, but held and adjourned from time to time as there may be Occasion, by the Sheriffs 'till the Election is ended ; the Election being ended (be it by View, Poll, or Scrutiny) the same is by the Sheriffs declared to the Common Hall, and thence by them reported to my Lord Mayor, who comes and repeats the Report to the Common Hall, and then dissolves the Assembly.

The Persons elected are obliged under Pain and Peril that will ensue thereon, to enter into a Bond to appear on the *Hustings*, on the Eve of St. Michael, and then and there to take upon them the Office of Sheriffs : To save their Bond they appear accordingly, and take their Oath of Office before my Lord Mayor, and so enter upon Duty.

Here I do not find any Dispute at present about the Qualifications of the Electors in this Election. It is by all agreed, that the Right of Election rests with the good Men of the Livery of the several Companies of this City : The only Complaint is, and that a very just one, That some wicked People personate the Livery-Men, and Poll for the Absent, the Dead, or for such

such as do not Poll at-all ; and Poll for all these twice over or oftner, &c. and this cannot be denied : However, I am ready to acquit all the Citizens of any Rank or Condition (of what Denomination soever) from assisting in such Contrivances ; who, I am confident, do all of them abominate them, and none of them more than the worthy Gentleman, in whose Favour it must be confess'd many of this Crew polled in a late contested Election amongst us, more than on the other side ; and must lay it upon the lowest of the People, who so long as they do but manifest their blind Zeal for the Candidate they affect, do not (as they ought to do) consider his Credit, for as for their own they certainly have none to risque.

But I have often heard it said, That all this may be prevented by an Act of Common-Council to poll the Livery-Men in such Elections by their several Companies, in the Presence of their Master, Wardens, Clerk and Beadle, some one or other of whom cannot but know all their own Members, and distinguish them from Strangers : And I believe such Act, made to regulate populous Elections, to preserve Order, and to prevent Abuses, settled by proper Advice, may be good and binding. But of this, and the Partition of Power betwixt my Lord Mayor and Sheriffs in this Election, more hereafter, as there may be Occasion.

From the Qualifications of the Electors I should now go on to consider the Power of the several Officers who preside in these Elections ; and,

First, Of the Use and Abuse of that Power ; and under this Head I designed to have drawn a faithful Comparison betwixt the Behaviour of the late Sheriffs, so often spoken of, in the Election of their Successors, and the current Practice for some time settled and established in the Wardmotes, in the Elections there ; and should have left it to you, to have judged whether this is not as bad as that, and was not in Truth the Precedent and Encouragement for it.

Secondly, The several Remedies to the Parties injured upon the Abuse of that Power, and of the Difficulties which clogg or incumber those Remedies.

In the *Third* Place, I should have bestowed some Thoughts how we might for the future prevent the Inconveniencies and Mischiefs observable in our Elections ; with a Corollary or Conclusion from the whole, shewing who ought reasonably to be esteemed the Patrons of the City, and of the Liberties and Privileges thereof, and who not ; but to do all this would extend my Letter beyond all Measure, and would quite tire out your Patience ; of these several Particulars therefore the next Opportunity, if some Gentleman does not in the mean time relieve me, as I have done *Londinensis* : So here at present concludes the Essay of,

GENTLEMEN,

Your Humble Servant,

Kingstreet, October 20th, 1724.

JOHN TRUEMAN.



The Chapter of *LIB. ALB.*

Of the Manner of holding the Wardmote, herein before referred to.

THE Wardmote is the Assembly of all the People of the Ward, duly summoned and met together in the Presence of the Alderman or his Deputy, as their Head, to reform what is amiss, to remove Nuisances, and to promote the Good of the Ward: What we now call a *Wardmote*, the Romans antiently called *Bisbiscitum*, and the Saxons *Folkmote*. The Aldermen used once in a Year at least, twice or oftner, to hold their Wardmotes by Virtue of Warrants from the Mayor for the Time being to them directed; In which [Wardmotes] Enquiry used to be had of the State and Condition of the Peace of the Ward, and Reformation made by the Aldermen of what was found amiss, as hereafter shall be shewn. The Manner of holding a Wardmote in *London* useth to be this. “ The Alderman, after the Receipt of his “ Warrant, makes out his Precept to the Beadle, requiring him to summon all “ the Housekeepers and hired Servants (*Servientes mercenar’*) of the Ward to appear before him at a certain Day and Hour (suppose the next Day after the “ Summons) in a Place certain within the Ward, to hold their Wardmote; “ after the Beadle hath summoned them, he writes their Names in a Roll, viz. “ *The Names of the Freeman of the City, Resident within the Ward by themselves, and of the hired Servants (Famulorum mercenar’)* which are not free “ by themselves; and when they are met together at the time appointed, before the Alderman, sitting with the chief of the Ward in their several Places “ about him: The Alderman’s Clerk, in the Name of the Alderman, commands the Beadle to cry *Silence*; which done, the same Clerk reads openly the said Warrant, and then dictates the several Names set down in the Roll to the Beadle, who calls aloud the same Names in their Order, to the End that he that does not there answer to his Name, may be marked and amerced Four-pence at the least; next, the Beadle presents to the Alderman a Pannel of the Good Men of the Ward, returned by the Constable of the Ward to be of the Jury, which Pannel the Alderman may amend or alter as he sees Occasion, otherwise the same shall stand; after this, all the Articles of the Wardmote set down in the 30th Fol. of the second Part of the Third Book of this Volume, are repeated to the Jury; and thereupon Day is given by the Alderman to the Jury to bring in their Presentments, at which Day the Jury present to the Alderman their Verdict by Indenture; one Part whereof remains with the Alderman, and the other with the Ward: The Alderman takes and carries his Part before the Mayor at the next General Court, where after Examination had, and Extract made of what (if any) belongs therein to the Mayor and City to reform, the same Indenture is deliver’d back again to the Alderman, to be by him put in Execution in all the other Articles thereof. And at the Wardmote are chosen, by the Alderman, good Men of the Ward, and by the Jury, Constables, Scavengers, Aleconners, Beadle, and other Officers, who at the General Court aforesaid ought to take the Oaths proper for their several Places, set down in the 26th Fol. of the Second Part of the Third Book of this Volume. The Beadle ought to certify to the Alderman particularly the Names of Hostellers, Maltsters, Bakers, Cooks, Victuallers, and Alehouse-keepers, resident within the same Ward: The Bakers ought to bring thither their Marks, which the Alderman is to take off into his Paper for a Sample, for which every Baker pays him 4d. unless he has happened to pay the same Alderman in the same Ward before for taking off his Mark: The Aldermen used to seal all Weights and Measures within their Wards, and to condemn such as are not sealed, taking for their Seal what the Chamber now takes; for the Alderman’s Brasen Measure, which is kept in every Ward, agrees with the Royal Standard of the City: And at the Wardmote, all those who are not free of the City, and who have not been sworn there, must be placed in one Frank-pledge or other, notwithstanding that they were received into Frank-pledge elsewhere in other Wards, and they shall take the Oath which is taken upon Admission into Frank-pledge, and is to be seen 26th

Fol. of the Second Part of the Third Book of this Volume; and every one that is so received into Frank-pledge, shall pay a Penny to the Clerk for his Entrance; and if any such absent himself from the Wardmote, he shall pay 4 d. to the Alderman, unless it be a Knight, Esquire, Woman, Apprentice of the Law, Clerk, or some other who hath no abiding City or Habitation here: And the Alderman himself ought to look to; and reform all Defects and Nufances by the Jury presented in the Wardmote, unless perchance some extraordinary ones do appear, which do belong to the Chamber; and those the Mayor and Chamberlain, taking to them the Sheriffs and other Officers, shall undertake to deal with; and if the Alderman shall find his Officers under him remiss or negligent, he shall admonish them to amend; and if they do not, then he shall either reasonably punish and chastise them himself, or refer them to the Mayor, who shall provide condign Punishment for them in that Case.

F I N I S

